

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRANDON SMIETANA and SKYCOIN
GLOBAL FOUNDATION LIMITED, a
Singapore company, and SYMBOLIC
ANALYTICS INC. a Delaware Corporation
Plaintiffs,

v.

BRADFORD STEPHENS, AARON
KUNSTMAN, HARRISON GEVIRTZ, f/k/a
“HaRRO”, RYAN EAGLE, ANDREW YOUNG,
FAR AHEAD MARKETING, JOEL WAYNE
CUTHRIELL f/k/a “JOEL”, MORGAN PECK,
TRISTAN GREENE, BRYAN CLARK,
CATHERINE BYERLY, STEVEN LEONARD,
JOSH OGLE, and UNKNOWN INDIVIDUALS
AND COMPANIES
Defendants.

Case No.: 1:22-cv-00708

Hon. Sara L. Ellis

**DEFENDANT BRADFORD STEPHENS REPLY IN SUPPORT OF HIS MOTION TO
DISMISS UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) and 12(b)(1)**

Now Comes defendant BRADFORD STEPHENS, by and through his attorneys Cole Sadkin, LLC and in support of his MOTION TO DISMISS UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6), and 12(b)(1) states as follows in Reply:

Plaintiffs filed suit against Bradford Stephens alleging two federal causes of action Count I (Civil RICO) and Count VIII (Violations of the Defend Trade Secrets Act). In addition, plaintiff alleges state law claims in Count II and IV(Fraud) Count V (Civil Conspiracy), Count VI (Tortious Interference), Count IV (Unjust enrichment), and Count XI (Breach of Fiduciary Duty) and finally Count XIII (violations of 720 ILCS 5/12-71.) Should the Court dismiss the federal causes of action, it can and should relinquish supplemental jurisdiction of the remaining state law claims. In the alternative, This Court should dismiss the state Court Claims as set forth in the Motion to Dismiss.

Defendant Stephens filed a Motion to Dismiss and This Court set forth a briefing schedule. Plaintiffs' response is styled a Motion to File an Amended Complaint in lieu of a response. It is unclear if this is a Motion or Plaintiffs' response or both. There does not appear to be a hearing set for Plaintiffs' Request to Amend their Complaint, nor a ruling regarding same. To the extent that the Request to Amend their Complaint is their Response to the 12(b)(6) and 12(b)(1) Motion To Dismiss, Defendant Stephens relies on his original motion. Plaintiff has set forth no actual response to the substance of the Motion to Dismiss. In addition, it is unclear if Plaintiff intends to amend every count, not just the Federal Causes of Action.

In Particular, Defendant Stephens believes that there are no set of facts that Plaintiff can allege to sustain their Civil Rico cause of Action. This Court should it be so inclined, can deny the Civil Rico Cause of Action and allow Plaintiff to replead without the Civil Rico cause of action.

Similarly, Defendant Stephens believes that Plaintiffs cannot sufficiently meet the pleading requirements for a Defend Trade Secrets Act cause of action. Plaintiffs' entire complaint rests on guess, conjecture and innuendo without the bare minimum facts to sustain their various causes of action.

Finally, plaintiffs state court claims should be dismissed with prejudice as set forth in the Motion to Dismiss.

Defendant Stephens reasserts and relies on his Motion to Dismiss all the Counts of Plaintiffs' Complaint.

Wherefore, defendant Bradford Stephens, by and through his attorneys, Cole Sadkin, LLC, requests this Honorable Court dismiss all counts against defendant Bradford Stephens pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(b)(1) for failure to state a cause of action or any other relief this Court deems appropriate.

COLE SADKIN, LLC

By: /s/ Dean Barakat

DEAN BARAKAT

Attorneys for Defendant Bradford Stephens

Dated: June 30, 2022

COLE SADKIN LLC

Mason S. Cole

Dean Barakat

1652 W Belmont, Ste 1

Chicago, IL 60657

P: (312) 380-7132

mcole@colesadkin.com

dbarakat@colesadkin.com